



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION**

Portland Resident Agent Office
P.O. Box 61469
Vancouver, WA 98666-1469

April 8, 2010

Ken Cartwright

Stayton, Oregon 97383

NOTICE OF UNLICENSED OPERATION

Case Number: EB-09-PO-0056
EB-10-PO-0019
Document Number: W201032920003

The Portland Resident Agent Office received information that an unlicensed broadcast radio station on 1620 kHz was allegedly operating in the City of Sublimity, Oregon. On March 23, 2010, an agent from this office confirmed by direction finding techniques that radio signals on frequency 1620 kHz were emanating from an AM transmitter installed on top of a metal water reservoir tower located near an address of 390 SE Church, Sublimity, Oregon 97385. The Commission's records show that no license was issued for operation of a broadcast station at this location on 1620 kHz in Sublimity, Oregon.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. One exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's Rules, 47 C.F.R. §§ 15.1 *et seq.* The field strength of the signal on frequency 1620 kHz was measured at 1400 microvolts per meter ($\mu\text{V/m}$) at 30 meters from the base of the water reservoir tower, which exceeded the maximum permitted level of $14.8 \mu\text{V/m}$ ($24,000/1620$) at 30 meters established in Section 15.209 of the Rules (*See* 47 C.F.R. §15.209(a)).

Another exception, for some transmitters operating in the 510 kHz to 1705 kHz band is found in 47 C.F.R. 15.219. Specifically, Section 15.219(b) of the Rules states "the total length of the transmission line, antenna, and ground lead (if used) shall not exceed approximately 3 meters." *See* 47 C.F.R. 15.219(b). During the inspection on March 23, 2010, the agent observed that the approximate length of the vertical whip antenna and the ground lead used by the station was 3 meters, however, the referenced antenna was attached to an unshielded radiating metal water reservoir tower and the height of the metal water reservoir tower measured approximately 100 feet (31.2 meters). This installation violated Section 15.219(b) of the Rules.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator of this illegal operation to severe penalties, including, but not limited to, substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (See 47 U.S.C. §§ 401, 501, 503 and 510.)

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Binh Nguyen
Resident Agent
Portland Resident Agent Office
Western Region
Enforcement Bureau

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet," March 2005